

Notice of Allowability

Application No.

10/663,934

Examiner

Sow-Fun Hon

Applicant(s)

PRASAD, RAVI

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment dated 6/8/06.
2. ☒ The allowed claim(s) is/are 10-12, 17, 19-22 and 24-26.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 6/5/06.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Cathy Kodroff on June 5, 2006.

The application has been amended as follows:

2. Specification: Page 1: below caption "CROSS-REFERENCE TO RELATED APPLICATION", replace "This is a continuation of US Patent application ..., filed August 17, 1998" with - - This is a continuation of US Patent application 09/135,228, filed August 17, 1998, now US Patent number 6,649,235. - -

3. Claim 24: Line 11, after "and wherein said coated polymeric", substitute "article" with - - film - -.

Art Unit: 1772

4. The following is an examiner's statement of reasons for allowance: the closest prior art of record, US 5,882,798, fails to teach or suggest, even in view of US 4,552,714, US 4,957,968 and US 5,741,594, the combination of a coated polymeric film comprising: (a) a coextruded polypropylene substrate consisting of a first outer surface of a maleic anhydride modified polypropylene layer and a second outer surface of a polypropylene layer; and (b) a polysilicate coating on the maleic anhydride modified polypropylene layer, wherein component (a) is stretched approximately 4 to 5 times in the machine direction, followed by a transverse stretching approximately 9 to 10 times, such that a thickness of component (a) in the range of about 0.5 to about 2 mil was achieved prior to coating; and wherein said coated polymeric film has an oxygen transmission rate of 3 to 15 cc/m²/day at 1 bar, 23°C and 50 % relative humidity. None of the references teach the specific stretching of approximately 4 to 5 times in the machine direction, followed by a transverse stretching approximately 9 to 10 times for a coextruded substrate of maleic anhydride modified polypropylene layer and polypropylene layer or the specific oxygen transmission rate of 3 to 15 cc/m²/day at 1 bar, 23°C and 50 % relative humidity, of the polysilicate-coated film. Applicant demonstrates unexpected results with an oxygen transmission rate of 3 to 15 cc/m²/day at 1 bar, 23°C and 50 % relative humidity, when compared to the oxygen transmission rate of 45 cc/m²/day at 1 bar, 30°C and 45% relative humidity (1 atm, column 9, line 39), of the polysilicate-coated biaxially-oriented polypropylene film of 1.2 mil thickness disclosed by US 5,882,798 (BOPP, column 9, lines 25-30).

Art Unit: 1772

5. The restriction requirement in the Office action dated 08/11/04 excluded any double-patenting over US 6,649,235, issued from the parent application 10/135,228.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication should be directed to Sow-Fun Hon whose telephone number is (571)272-1492. The examiner can normally be reached Monday to Friday from 10:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon, can be reached at (571)272-1498. The fax phone number for the organization where this application or proceeding is assigned is (571)273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

S. Hon
Sow-Fun Hon
08/16/06

Harold Pyon
HAROLD PYON
SUPERVISORY PATENT EXAMINER
1772 *08/19/06*